

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 9/14/05 2 Serial/Patent # 09/848,916

3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
	Petition			\$
	Issue			\$
<input checked="" type="checkbox"/>	Cert of Correction/Terminal Disc.		<u>9/2/05</u>	\$ 130
	Maintenance			\$
	Assignment			\$
	Other			\$

7 TOTAL AMOUNT OF REFUND \$ 130

8 TO BE REFUNDED BY:

Treasury Check

Credit Deposit A/C #:

9 50--0462

10 REASON:

Overpayment

Duplicate Payment

No Fee Due (Explanation):

Terminal disclaimer under 37 CFR 1.137(d) not required

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: David Bucci

TITLE: Petitions Examiner

SIGNATURE: David Bucci

PHONE: 272-7099

OFFICE: Office of Petitions

***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****

APPROVED: David Bucci

DATE:

9/02/05

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: KAKIZAKI, et al.

Serial No.: 09/848,916

Group Art Unit: 2633

Filed: May 4, 2001

Examiner: NEGASH, Kinfe Michael

For: A PROTECTION SWITCHING APPARATUS FOR 1+1 OPTICAL TRANSMISSION LINES

Certificate of Mailing

I hereby certify that this paper is being sent via First Class Mail to the Commissioner for Patents, Alexandria, VA 22313-1450, on the date shown below.

On August 31, 2005

Iris C. Rousey

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Petitioner ("assignee") Hitachi, Ltd., whose address is 6, Kanda Surugadai 4-chome, Chiyoda-ku, Tokyo, Japan represents, through its attorneys, that it is the assignee of the entire right, title, and interest in and to the above-identified application, U.S. Patent Application No. 09/848,916, filed on May 4, 2001, for "A Protection Switching Apparatus for 1+1 Optical Transmission Lines", in the name of Kakizaki, et al., by virtue of an assignment recorded on July 2, 2001, at Reel 011939/ Frame 0662. Evidentiary documents have been reviewed and the assignee certifies, to the best of assignee's knowledge and belief, title is in the assignee seeking to file this Terminal Disclaimer.

Assignee, Hitachi, Ltd., hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, U.S.

Adjustment date: 09/20/2005 AKELLEY
09/06/2005 EAYALEW1 00000007 09848916
03 FC:1814 -130.00 OP

Repln. Ref: 09/20/2005 AKELLEY 0011131700
DAB:500462 Name/Number:09848916
FC: 9204 \$130.00 CR

09/06/2005 EAYALEW1 00000007 09848916
03 FC:1814

Serial No.: 09/848,916

Page -2-

Amdt. dated August 31, 2005

Terminal Disclaimer

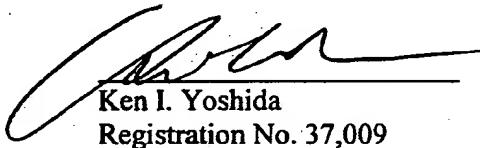
Patent Application No. 09/848,916, for a period equivalent to the period of abandonment (starting on May 24, 2005) of the above-identified application which resulted from the unintentional failure to prosecute.

This agreement runs with any patent granted on the above-identified application and is to be binding upon the grantee its successors or assigns.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee payment of \$130.00 is being filed with this disclaimer. If there is any other fee due in connection with the filing of this Terminal Disclaimer, please charge the fee to our Deposit Account No. 50-0462.

Respectfully submitted,

Date: August 31, 2005



Ken I. Yoshida
Registration No. 37,009

KNOBLE YOSHIDA & DUNLEAVY LLC
Eight Penn Center, Suite 1350
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103
(215) 599-0600